

HILLARY RODHAM CLINTON

NEW YORK

SENATOR

PUSSILL SENATE OFFICE BUILDING

SUITE 476

WASHINGTON, DC 20510-3204

202-334-4801

United States Senate

WASHINGTON, DC 20510-3204

November 13, 2002

The Honorable Donald L. Evans
Secretary
United States Department of Commerce
Room 5854
14th & Constitution Ave., NW
Washington, D.C. 20230

Dear Mr. Secretary:

I am writing to discuss several issues with respect to the pending appeal of the New York Department of State's decision that the proposed route for the Millennium Pipeline is inconsistent with the State's Coastal Management Program.

I want to start by thanking the Department of Commerce and the National Oceanic and Atmospheric Administration (NOAA) for agreeing to hold a public hearing in Westchester County. I hope that NOAA and the Department will listen to the very credible concerns that have been raised with respect to the proposed route from Bowline across the Hudson River and south to Mount Vernon. It is vital that these concerns be justly and fairly addressed.

Let me mention some of the most serious issues that have been raised, by the New York Department of State and others, regarding the proposed pipeline route. First, the pipeline route approved by the Federal Energy Regulatory Commission (FERC) poses serious risks to the New Croton Reservoir and the Bryn Mawr Siphon section of the Catskill Aqueduct, endangering the water supply of millions of downstate residents. FERC has itself acknowledged that a rupture of the aqueduct would create a threat to public health, sanitation, and fire fighting capability. In addition, Croton-on-Hudson's shallow well field is also imperiled, and it serves more than 7,000 people. Second, the unique nature of the Haverstraw Bay Significant Coastal Fish and Wildlife Habitat requires special consideration. With respect to national security issues, it is important for NOAA and the Department to give proper weight to the possibility of terrorist attack. Unfortunately, FERC's generic treatment of this possibility does not create confidence that the specific risks have been adequately assessed.

With these issues in mind, I have written to you before to call your attention to suggested alternative routes. A variety of alternatives have now been submitted to the Department for review on appeal. They must be given the careful consideration they deserve.

From the perspective of my constituents, the routing issues discussed here are compounded by the many additional issues -- identified during FERC's review -- that have not been adequately resolved. These include the proposed pipeline's proximity to Briarcliff Manor schools and the Indian Point nuclear power plants, the effects of blasting in northern Westchester, the absence of appropriate testing to rule out the presence of harmful levels of dioxins along the Consolidated Edison right-of-way, and possible damage to Consolidated Edison's electric transmission facilities. The fact that such a deeply troubling set of issues remains outstanding -- after years of study and comment -- underlines yet again the need for a

comprehensive regional energy plan. This region is in need of diverse energy supplies, and I firmly believe that we can accomplish this goal without degrading the environment or impairing the health, security and safety of New Yorkers.

Thank you for your prompt attention to these issues, and I look forward to your response.

Sincerely yours,


Hillary Rodham Clinton



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

NOV 2 2002

The Honorable Hillary Rodham Clinton
United States Senate
Washington, D.C. 20510

Dear Senator Clinton:

Thank you for your recent letter regarding the Millennium Pipeline Company's administrative appeal filed under the Coastal Zone Management Act (CZMA) and currently pending before the Department of Commerce. The National Oceanic and Atmospheric Administration (NOAA) processes many aspects of CZMA appeals for the Secretary of Commerce, and therefore was asked to respond to your letter.

Your letter raises various concerns that have been expressed by the State of New York or other entities opposed to the route of Millennium's proposed pipeline. In this regard, you request that we give careful consideration to alternative routes that have been identified in materials submitted for Millennium's administrative appeal.

Although we cannot comment on the merits of an ongoing administrative appeal, please be assured that we carefully review all information contained in the appeal record. Millennium's appeal raises a number of issues for the Secretary's consideration, one of which involves reasonable alternatives. Information about alternative pipeline routes would be relevant to a finding by the Secretary on this matter.

We will include your letter in the administrative record and encourage the submission, by the close of the public comment period on December 2, 2002, of any additional information that you believe would be helpful in deciding this appeal.

Thank you again for your thoughts on this important issue.

Sincerely,

James R. Walpole
General Counsel

